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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,216	12/26/2001	Robert T. Long SR.	1547520/86600	7380

7590 05/23/2003

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EXAMINER

KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,216

Applicant(s)

LONG, ROBERT T.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,519,973 to Keith et al. in view of U.S. Patent No. 4,973,211 to Potucek.

Regarding claims 1, 2, 7 and 8, Keith discloses a connector for securing insulation between concrete panels (column 1, lines 16-23), wherein the connector has an elongated body with first and second ends and laterally spaced apart longitudinally extending flanges (fig. 5: 60). However, Keith does not disclose the flanges as being connected by a web. Potucek discloses an elongated connector having longitudinal flanges (fig. 15) having the longitudinal flanges connected together by a web (fig. 16: 99). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Keith by adding the webs disclosed by Potucek in order to strengthen the longitudinal flanges from deformation or breaking.

Regarding claims 3, 4, 10 and 11, Keith discloses anchoring surface on each end of the connector (fig. 5: 68 and fig. 1: 24).

Regarding claims 5 and 12, Keith discloses outwardly extending lip in order to engage the insulation (fig. 5: 64).

Regarding claims 6 and 13, Keith discloses the connector as being made from a polymer material (abstract).

Regarding claim 21, Keith discloses the connector as made from a fibrous polymer (abstract).

Regarding claim 9, Keith discloses the flanges as substantially extending along the length of the connector (fig. 5).

Regarding claims 14, 15 and 17, Keith discloses a connector for securing insulation between concrete panels (column 1, lines 16-23), wherein the connector has an elongated body with first and second ends and laterally spaced apart longitudinally extending flanges (fig. 5: 60). Keith also discloses the width (fig. 5: 66) as being twice the lengthwise thickness (fig. 6a: 10). However, Keith does not disclose the flanges as being connected by a web. Potucek discloses an elongated connector having longitudinal flanges (fig. 15) having the longitudinal flanges connected together by a web (fig. 16: 99). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Keith by adding the webs disclosed by Potucek in order to strengthen the longitudinal flanges from deformation or breaking.

Regarding claim 16, Keith discloses the body as having at least one longitudinal flange (fig. 5: 60).

Regarding claims 18 and 19, Keith discloses anchoring surface on each end of the connector (fig. 5: 68 and fig. 1: 24).

Regarding claim 20, Keith discloses outwardly extending lip in order to engage the insulation (fig. 5: 64).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to insulated concrete panel connectors in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

5/14/03



Carl D. Friedman
Supervisory Patent Examiner
Group 3600